

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF THURSTON

|                               |   |                              |
|-------------------------------|---|------------------------------|
| MICHAEL A. LINEAR,            | ) |                              |
| PLAINTIFF,                    | ) | CIVIL ACTION NO:             |
|                               | ) | <b>3:19-cv-05665-RBL-TLF</b> |
| V.                            | ) |                              |
| STEPHEN SINCLAIR, SECRETARY   | ) |                              |
| OF THE DEPARTMENT OF CORR.    | ) | CIVIL RIGHTS COMPLAINT       |
| AND LIEUTENANT D. HOLLIBAUGH, | ) |                              |
| OFFICER PERCIFIELD AND        | ) | (JURY TRAIL REQUESTED )      |
| AND DEBORAH J. WOFFORD, ALL   | ) |                              |
| DEPARTMENT OF CORRECTIONS.    | ) |                              |
| In their individual and       | ) |                              |
| official capacity.            | ) |                              |
| DEFENDANTS                    | ) |                              |

I. INTRODUCTION

1.1 Plaintiff Michael Linear (Linear) seeks compensatory and punitive damages against the above named defendants for violating Linear's state and federal rights to freely practice his religious beliefs and violating his right to equal protection.

II. JURISDICTION/VENUE

2.1 This court has jurisdiction pursuant to Washington State Constitution, ART.II 26,(suits against the state), ART. IV. 6, (jurisdiction of superior court ) and pursuant to RCW 4.92.090

2.2 Venue in this county is proper pursuant to RCW 4.94.010 (5).

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III. PARTIES

3.1 Plaintiff Mr. Michael A. Linear, is at all times mentioned in this matter a Washington state prisoner. I.D no: 847176, is currently confined at the Coyote Ridge Correction Center (CRCC). Located at P.O. Box 769/ Connell, WA.99326

3.2 Defendant Mr. Stephen Sinclair, is the secretary of the Washington State Department of Corrections. ( Herein after WA, DOC.) is located at the Washington State Department of Correction/ 7345 Linderson Way, S.W./ M/s 41101 / Tumwater, WA. 98504- 1101

3.3 Defendant Lieutenant D. Hollibaugh, is the lieutenant at Coyote Ridge Correctional Center, is located at P.O. Box 769/ Connell, WA. 99326

3.4 Deborah J. Wofford is located at Washington State of Corrections / 7345 Linderson Way S.W./ M/s 41101/ Tumwater, WA. 98504-1101

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

4.1 On or about April of 2019, plaintiff filed tort claim # 31087272

4.2 Plaintiff never received any final resolution ;  
Re: tort claim # 31087272

## V. FACTS

5.1 On or about January 05, 2019, plaintiff Linear was inside the gymnasium engaging in recreational activities at the Coyote Ridge Correctional Center (CRCC) and had made a request to conduct his afternoon Muslim prayer obligations ("Salaat") inside a recreation room which is used by offenders for hair braiding, card games, chess games, and praying.

5.2 CRCC recreation and custody staff allow offenders daily to be inside the recreation room unsupervised when braiding hair and playing games.

5.3 It is the practice of CRCC to permit offenders of the Muslim faith to pray privately inside the gymnasium recreation room.

5.4 Linear asked Ms. Percifield, gymnasium custody staff for permission to carry out his "salaat" obligations inside the gymnasium's recreation room. Ms. Percifield refused to allow him inside the recreation room to pray and told him to pray in K-building ( the religious activity building because prayer is not allowed for Muslims during recreation times.

5.6 Linear's religious practices ("Hadith's") prohibits

1 Muslims from praying in an unclean area, including praying  
2 on a floor where offenders track urine and dirt from  
3 bathrooms.

4 5.7 Plaintiff Linear utilized the offender grievance program  
5 (OGP) at CRCC to file a complaint.

6 5.8 On and between January 5, 2019 and April 8, 2019 Linear  
7 utilized the offenders Grievance Program (OGP) to complain  
8 about defendant Percifield's actions.

9 5.9 Defendant Hollibaugh investigated Linear's complaint  
10 at level-2 and attempted to side with defendant Percifield  
11 by classifying the offender games and braiding room as  
12 " private" to overlook defendant Percifield actions  
13 against me.

14 5.10 Defendant Wofford at level-3 reviewed Linear's  
15 complaint and concurred with the level-2 response to  
16 overlook defendant Percifields wrongful actions.

17 5.11 Linear has witnesses many correctional officers and  
18 recreation staff open the door to the braider/game room  
19 allowing offenders to be in that room unsupervised.

## 20 VI. CLAIMS FOR RELIEF

21 6.1 Plaintiff including and incorporates each and every  
22 avernment made elsewhere in this complaint as though fully,  
23 set forth herein.  
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1 6.2 All of the defendants violated my right to equal  
2 protection of the laws under the 14th. amendment of the  
3 U.S. Constitution.

4 6.3 All of the defendants violated my rights to the free  
5 exercise of sincerely held religious beliefs as guaranteed  
6 by the first-amendment of the U.S. Constitution.

7 6.4 All of the defendants violated my rights to the free  
8 exercise of sincerely held religious beliefs as guaranteed  
9 by the first-amendment.

10 VII. RELIEF REQUESTED

11 7.1 Plaintiff respectfully seeks damages for custody staff  
12 preventing him from conducting his prayer, and for the  
13 U.S. Constitutional rights that were violated in this  
14 case, in the following order:

15 Compensatory

16 Punitive

17 Stephen Sinclair 10,000 50,000 for all defendants  
18 Lieutenant Hollibaugh 10,000  
19 Deborah Wofford 10,000  
20 Officer Percifield 25,000

21 7.2 Plaintiff respectfully seeks prevailing party fees  
22 \$200

23 7.3 Plaintiff respectfully seeks attorney fees \$200

24 7.4 Plaintiff respectfully seeks all cost incurred in  
25  
26

1 this case to be awarded.

2 7.5 Plaintiff respectfully praise for a trial by a jury  
3 or all issues in disputed.

4 7.6 Plaintiff seeks other such relief the court deems  
5 appropriate and just.

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7 VIII. VERIFICATION

8 I, Michael A. Linear, certifies under oath, under the  
9 penalty of perjury and to the laws of the state of  
10 Washington that the proceeding is true and correct to  
11 the best of my knowledge.

12 Sworn under: RCW 9A.72.085 and 28 U.S.C  
13 1746. Respectfully submitted and signed at: city of  
14 Connell, County of Franklin, WA. 99326

15  
16  
17 Michael Linear  
Sign

847176  
Doc#

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19  
20 Michael Linear  
Print

7-22-19  
Date